

# FINAL BILL REPORT

## E2SSB 6117

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### PARTIAL VETO

C 445 L 07

Synopsis as Enacted

**Brief Description:** Regarding reclaimed water.

**Sponsors:** Senate Committee on Ways & Means (originally sponsored by Senators Fraser, Poulsen, Rockefeller, Marr, Kohl-Welles and Kline).

**Senate Committee on Water, Energy & Telecommunications**

**Senate Committee on Ways & Means**

**House Committee on Agriculture & Natural Resources**

**House Committee on Appropriations**

**Background:** Reclaimed water is an effluent derived from a wastewater treatment system that has been treated in order to be suitable for a beneficial use or a controlled use that otherwise would not occur. Reclaimed water has been used for a variety of nonpotable water purposes including irrigation, agricultural uses, industrial and commercial uses, stream flow augmentation, dust control, fire suppression, surface percolation, and discharge into constructed wetlands.

The Department of Health (DOH) issues permits to water generators for commercial or industrial uses of reclaimed water and the Department of Ecology (DOE) issues reclaimed water permits for land applications of reclaimed water. DOH and DOE were required to adopt a single set of standards, procedures, and guidelines for industrial and commercial uses and land applications of reclaimed water.

Last year, the Legislature required DOE to adopt rules for reclaimed water use. These rules must be adopted in coordination with DOH, and in consultation with the Rules Advisory Committee (RAC). The rules must address all aspects of reclaimed water use, including industrial uses, surface percolation, and stream flow augmentation. Two interim progress reports must be delivered to the Legislature prior to the final adoption in 2010. The role of DOH in the management and regulation of reclaimed water will be determined and defined by the outcome of the final rules adopted by DOE.

**Summary:** The owner of a wastewater treatment facility that uses, distributes, or recovers reclaimed water from aquifer storage is exempt from water rights permitting requirements. Any regional water supply plan or plans addressing potable water supply service by multiple water purveyors must consider the use of reclaimed water, if reclaimed water is intended to augment or replace potable water supplies. A city, town, or county should include reclaimed water provisions of any regional water supply plan when reviewing provisions for water supplies where reclaimed water may be proposed for nonpotable purposes in short plats, short subdivisions, or subdivisions.

Facilities that reclaim water must not impair any existing downstream water right unless the impairment is mitigated or the holder of the water right receives just compensation. Any reclaimed water project that reduces the amount of sewage treatment plant effluent directly discharged into marine waters does not impair any existing water right. An impairment process is set forth to determine if there is impairment to a water right, which existed prior to August 18, 1997, with a time frame for issuing a written decision and an appeal procedure. This process does not establish any right for a downstream water right holder to the continued discharge from an upstream wastewater treatment plant or reclaimed water facility.

DOE must convene a task force to review potential barriers to the development of reclaimed water projects with respect to the evaluation of water rights impairment. The task force is composed of representatives from the Attorney General; DOH; local and tribal governments; water, reclaimed water, and wastewater utilities; environmental and agricultural organizations; and businesses, including golf course owners. The task force must report its findings to the appropriate committees of the Legislature by December 31, 2007.

DOE and DOH must provide periodic and interim reports to the appropriate committees of the Legislature. The departments must provide a report on the expanded, appropriate, and safe use of reclaimed water. As part of the reclaimed water rule making process established by the Legislature in 2006, DOE must provide a summary of steps taken as of January 1, 2008 and 2009, on issues identified by the RAC as barriers to expanded use of reclaimed water that may not be addressed by rules to be adopted by the DOE. DOE must provide a biennial report beginning December 2007 on the extent to which reclaimed water has been identified in watershed plans as potential sources or strategies to meet future water needs, and on the barriers to implementation of water reuse elements. DOH must report on the general status of reclaimed water opportunities, permits for greywater use, permit fees for industrial and commercial uses of reclaimed water, and potential public health risks associated with reclaimed water.

DOE must form a subtask force comprised of not more than ten members representing the RAC and reclaimed water users to further identify and recommend actions to increase the promotion of reclaimed water as a water supply and water resource management option. In addition, DOE must establish a subtask force to make a recommendation for a long-term dedicated funding program to construct reclaimed water facilities. The subtask force will review current existing conservation and water reuse plans, and include recommendations on the inclusion of reclaimed water use criteria as an element of water use efficiency requirements for public water systems and regional water plans.

State and local planning programs must emphasize the use of reclaimed water and encourage the use of conservation and reclaimed water through state financial assistance incentives. State agencies must continue to review and reduce regulatory barriers and streamline permitting reclaimed water uses where appropriate. State agencies and facilities must use reclaimed water, instead of potable water, as feasible, as a replacement source of water for nonpotable uses. The Department of General Administration must develop a proposal for a comprehensive campus-wide plan for the use of nonpotable water for irrigation and related outdoor uses.

**Votes on Final Passage:**

Senate	31	14	
House	65	32	(House amended)
Senate	32	15	(Senate concurred)

**Effective:** July 22, 2007

**Partial Veto Summary:** The Governor vetoed the section that would have: revised compensation or mitigation for impairment of a water right; set forth task forces for DOE to review potential barriers to the development of reclaimed water projects, including internal processing of reclaimed water permits; established a process for determining impairment to a water right; and deemed any reclaimed water project that reduces the amount of sewage treatment plant effluent directly discharged into marine waters as not impairing any existing water right.